

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Squad #9	CCRB Case #: 201408412	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/15/2014 5:30 PM	Location of Incident: Albany Avenue between Lenox Road and Clarkson Avenue	Precinct: 71	18 Mo. SOL 2/15/2016	EO SOL 2/15/2016	
Date/Time CV Reported Fri, 08/15/2014 6:05 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 08/15/2014 6:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			NARCBBS
2. DT3 Eugene Jonny	02802	921448	NARCBBS
3. DT3 Alex Rosario	07473	935649	NARCBBS
4. DT3 Christophe Greiner	01425	930271	NARCBBS
5. Officers			NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Luke Denesopolis	00392	922235	NARCBBS
2. DT3 John Siokas	2825	942554	NARCBBS
3. DT3 Daniel Aybar	00968	923528	NARCBBS
4. DT3 Yuriy Manzurov	6399	945427	NARCBBS
5. DT3 Angelica Salmeron	06527	939408	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Eugene Jonny	Abuse: Det. Eugene Jonny stopped § 87(2)(b) and § 87(2)(b)	
B.DT3 Christophe Greiner	Abuse: Det. Christopher Greiner stopped § 87(2)(b) and § 87(2)(b)	
C.DT3 Alex Rosario	Abuse: Det. Alex Rosario stopped § 87(2)(b) and § 87(2)(b)	
D. Officers	Abuse: Officers searched § 87(2)(b) and § 87(2)(b)	
E. An officer	Abuse: An officer refused to provide his name and shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On August 15, 2014, at approximately 5:30 p.m., § 87(2)(b) and his friend § 87(2)(b) were walking in the vicinity of Albany Avenue between Lenox Road and Clarkson Avenue, in Brooklyn. While walking, § 87(2)(b) noticed that they were being followed by an unmarked blue van. § 87(2)(b) and § 87(2)(b) entered a corner store and one of the occupants of the van entered into the corner store. Once § 87(2)(b) and § 87(2)(b) exited the corner store the individual also exited. § 87(2)(b) and § 87(2)(b) continued to walk in the area and as they approached Lenox Road a grey 4-door Toyota Camry with license plate number § 87(2)(e) approached § 87(2)(b) and § 87(2)(b). Three officers, identified as Det. Eugene Jonny, Det. Christopher Greiner and Det. Alex Rosario of Narcotics Borough Brooklyn South, exited the vehicle, and one of them told § 87(2)(b) and § 87(2)(b) to not move (**Allegation A, B, and C**). One of the detectives then approached § 87(2)(b) and another approached § 87(2)(b). The detective who approached § 87(2)(b) put his hands inside of § 87(2)(b) pants pockets (**Allegation D**) and asked him, “Where is the gun?” The same detective then lifted up § 87(2)(b) shirt, pulled at § 87(2)(b) waistband and looked inside a bag that § 87(2)(b) had in his possession (**within Allegation D**). While this occurred a second detective searched inside § 87(2)(b) pockets (**within Allegation D**). After searching § 87(2)(b) and § 87(2)(b) § 87(2)(b) asked the detective who searched him for his name and shield number two to three times and the detective ignored him (**Allegation E**). The detectives then returned to their vehicle and drove away. § 87(2)(b) and § 87(2)(b) were not arrested or issued any summonses.

Mediation, Civil, and Criminal Histories

On September 4, 2014, § 87(2)(b) declined mediation. As of December 2, 2014, § 87(2)(b) has not filed a Notice of Claim with the New York City Comptroller’s Office and is pending (**See Board Review 1**) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer Histories

- This is the first CCRB complaint filed by § 87(2)(b) (**See Board Review 3**).
- This is the first CCRB complaint filed for § 87(2)(b) (**See Board Review 4**).
- Det. Eugene Jonny has been a member of service for 16 years, has had 17 other CCRB allegations in 8 cases, with no substantiated allegations. Det. Jonny has been the subject of three stop allegations, two frisk allegations and two search of person allegations which have been unsubstantiated. He also has one pending allegation against him for each of those three categories § 87(4-b) § 87(2)(g)
- Det. Christopher Greiner has been a member for service for 12 years, has 33 other CCRB allegations in 13 cases, with three substantiated allegations. In case number 201206163, the Board recommended charges for allegations of a stop, refusal to provide name and shield, and discourtesy. Det. Greiner has been the subject of two stop allegations and two frisk allegations which have been unsubstantiated, and one frisk allegation and three search of person allegations which are pending.

- Det. Alex Rosario has been a member of service for 10 years, has 25 other CCRB allegations in 8 cases, with one substantiated allegation. In case number 200715114, the Board recommended charges for a vehicle stop and the NYPD recommended no disciplinary action. Det. Rosario has been the subject of one frisk and once search of person allegation which have been closed as unsubstantiated. § 87(4-b) § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) stated that three detectives who were driving a grey 4-door Toyota Camry with license plate § 87(2)(e) stopped him and § 87(2)(b) § 87(2)(b) described the detective who searched him, and whose name and shield number he requested as was a white male, approximately in his late thirties to early forties, 5'9" or 5'10" tall, with an average build, a moustache possibly with a goatee, average-length dark hair and not balding. The detective who searched § 87(2)(b) was described as a white male, approximately forty years old, with some facial hair. The third detective who was present was described as a white male, approximately 5'11" tall, a more heavy set build, with dark hair, and possibly a mustache, more facial hair and dark hair. § 87(2)(b) also described all three officers in the vehicle as white males and described the officer who searched him as 5'7" to 5'8" tall, in his late forties and about 190 to 210 pounds with a short cut beard.

A search of the New York City Department of Motor Vehicles revealed that a grey Toyota Camry with plate number § 87(2)(e) was leased to Brooklyn South Narcotics (**See Board Review 5**). The NYPD Fleet Services Division confirmed the above information and also provided the vehicle number as 47756 (**See Board Review 6**). The Narcotics Brooklyn Borough South Tactical Plan for August 15, 2014 confirmed that Det. Christopher Greiner, Det. Eugene Jonny and Det. Alex Rosario were assigned to the grey Toyota Camry with vehicle number 47756 (**See Board Review 7**).

Det. Jonny described himself in his Officer Interview Sheet as a § 87(2)(b)-old white male, 5'8" tall weighing 210 pounds, with brown hair and brown eyes. Det. Greiner described himself in his Officer Interview Sheet as a § 87(2)(b)-old white male, 5'10" tall, weighing 170 pounds, with brown hair and blue eyes. Det. Rosario described himself in his Officer Interview Sheet as § 87(2)(b) year-old Hispanic male, approximately 6'1" tall weighing 230 pounds, with black hair.

NYPD documentation indicated that Det. Jonny, Det. Greiner, and Det. Rosario were working together and assigned to the vehicle that matched the color, make, model and license plate number provided by § 87(2)(b). Furthermore, the description § 87(2)(b) provided for the detectives generally matched their pedigree information. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both provided descriptions of the three detectives as white males of similar age and appearance, so a photo-array viewing was scheduled with § 87(2)(b). However, § 87(2)(b) missed his scheduled appointment and to date has not rescheduled. § 87(2)(g)

§ 87(2)(g)

Allegation not pleaded

§ 87(2)(b) alleged in a telephone statement that while one of the detectives spoke to § 87(2)(b) he said that they had the right to “fucking” do what they want to do. However, § 87(2)(b) never alleged any discourteous language was used and § 87(2)(b) did not cooperate in providing a verified testimony. § 87(2)(g)

Allegation A- Abuse of Authority: Det. Eugene Jonny stopped § 87(2)(b) and § 87(2)(b)

Allegation B- Abuse of Authority: Det. Christopher Greiner stopped § 87(2)(b) and

§ 87(2)(b)

Allegation C- Abuse of Authority: Det. Alex Rosario stopped § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) stated that he and his friend § 87(2)(b) were walking in the vicinity of Albany Avenue between Lenox Road and Clarkson Avenue in Brooklyn. During their walk § 87(2)(b) and § 87(2)(b) noticed that they were being followed by a blue van. § 87(2)(b) and § 87(2)(b) went to various commercial locations and each time they noticed the same blue van. The last location they went to was a corner store in the area. As § 87(2)(b) and § 87(2)(b) went to leave the store an officer in plainclothes whom they both recognized from the blue van entered the corner store. As § 87(2)(b) and § 87(2)(b) exited the officer exited too. § 87(2)(b) and § 87(2)(b) then continued to walk until they reached the corner of Albany Avenue and Lenox Road where they were stopped by a grey four-door Toyota Camry with license plate number § 87(2)(b). Det. Eugene Jonny, Det. Christopher Greiner, and Det. Alex Rosario exited the vehicle. One of the detectives told § 87(2)(b) not to move and asked him “where is the gun?”

§ 87(2)(b) statement was generally consistent with § 87(2)(b) statement that the two men were followed while they walked in the area and that they were eventually stopped by three detectives who were inside a grey Toyota Camry and in plainclothes. However after providing a brief phone statement, § 87(2)(b) was uncooperative with the investigation.

Det. Jonny was shown a copy of the tactical plan for the day and acknowledged that he was the driver of the grey Toyota Camry with license plate number § 87(2)(e) (See Board Review 7). Det. Jonny was shown two reports from arrests that were made in the area shortly before the incident and did not recall anything specific about the incident but acknowledged that he and his team stayed in the area after the arrests were made (See Board Review 8). Det. Jonny did not recall if his team followed any specific individuals on the date of the incident or whether any member of the team went over the radio and requested that he stop any individuals. Det. Jonny was shown a photograph of § 87(2)(b) and did not recognize § 87(2)(b) and denied that he or any other detective stopped § 87(2)(b). Det. Jonny and his team left the location at approximately 6:00 p.m.

Det. Greiner stated he was familiar with the area near Clarkson Avenue and Albany Avenue because it is a known drug location and that there had been complaints involving a bodega and a homeless shelter in the area. On the date of the incident, Det. Greiner and his team were doing observations of drug sales. Det. Greiner did not recall if anyone went over the radio instructing

him to watch anyone and he did not recall anyone going over the radio regarding any persons of interest. Det. Greiner also denied that he or another detective stopped § 87(2)(b) and § 87(2)(b)

Det. Rosario stated that he was seated in the back of the grey Toyota Camry. Det. Rosario also acknowledged that his team was looking for individuals in the area who were engaged in buying or selling drugs and that the team responded to complaints of drug sales in the area. However, Det. Rosario did not recall anyone in his vehicle stopping any individuals on that day.

Det. Siokas, Det. Aybar, and Sgt. Denesopolis acknowledged that they were assigned to the lead car, a Dodge Caravan. However, they did not recall the team stopping anyone other than the individuals arrested prior to § 87(2)(b) and § 87(2)(b) being stopped. Det. Salmeron and Det. Manzurov both acknowledged that they were the detectives assigned to the prisoner van. However, the detectives § 87(2)(g) remained parked and inside the prisoner van.

Two arrests were made near the incident location at 4:20 p.m. by members of the narcotics team (See Board Review 8)., which Det. Jonny noted in his memo book. The next entry Det. Jonny has in his memo book is at 6:00 p.m. (See Board Review 9), Det. Rosario had no entries in his memo book for the time between 4:35 p.m. and 7:50 p.m. (See Board Review 10), and Det. Greiner had no entries in his memo book between the 2:30 p.m. and 6:00 p.m. (See Board Review 11).

According to N.Y.S. Criminal Procedure Law §140.50(1), a police officer may stop a person when he reasonably suspects that such person is committing, has committed or is about to commit a crime. To justify a stop, an officer must have reasonable suspicion that a crime is at hand. People v. De Bour, 40 N.Y.2d 210, 215 (1976) (See Board Review 12).

§ 87(2)(g)
[REDACTED]

Allegation D- Abuse of Authority- Officers searched § 87(2)(b) and § 87(2)(b)
Allegation E- Abuse of Authority An officer refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated after the detectives stopped him one of the detectives searched his pockets and looked inside his waistband and inside a bag he was holding. After the detective looked inside § 87(2)(b) waistband, he asked why he was searched and the detective replied that there was an incident up the block and § 87(2)(b) matched the description of a suspect. At the same time the other two detectives who were present spoke to § 87(2)(b) and one of them searched § 87(2)(b)

§ 87(2)(b) In his telephone statement, § 87(2)(b) corroborated that he was searched by one of the detectives.

As the detectives walked back toward the grey Camry, § 87(2)(b) asked one of the detectives for his name and shield number. The detective replied, “Oh now you gonna try to tell me how to do my job?” The detective got in his vehicle and drove away without providing either his name or shield number to § 87(2)(b)

§ 87(2)(g)
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§ 87(2)(g), § 87(4-b)
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Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date